

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JASON SPARKS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
NATIONAL ACTION FINANCIAL	)	JURY TRIAL DEMANDED
SERVICES, INC.,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, and 47 U.S.C. § 227, Defendant National Action Financial Services, Inc., hereby gives notice of removal of this cause of action, under the caption Jason Sparks v. National Action Financial Services, Inc., from the Circuit Court of Franklin County, Associate Judge Division, State of Missouri (“State Court Action”) to the United States District Court for the Eastern District of Missouri. In support of removal, Defendant, by and through its attorneys, states as follows:

1. On or about January 17, 2012, Defendant was served with a copy of Plaintiff’s Petition for Damages (“Complaint”). Copies of all process, pleadings and orders served upon Defendant in this action are attached hereto as **Exhibit A**.

2. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within 30 days after Defendant’s receipt of the Complaint.

3. Plaintiff’s Complaint purports to set forth a cause of action under the Telephone Consumer Protection Act, 47 U.S.C. § 227.

4. This action may be removed by Defendant pursuant to 28 U.S.C. § 1441(b) because it presents a federal question and this Court has original federal question jurisdiction as set forth in 28 U.S.C. § 1331.

5. Concurrent with the filing of this Notice of Removal, written notice of its filing is being served pursuant to 28 U.S.C. § 1446(d) upon Plaintiff's counsel, and a true and accurate copy of this Notice of Removal is also being filed with the Clerk of the Circuit Court of Franklin County as required.

6. By filing this Notice of Removal, Defendant does not make any admission of fact, law or liability, and expressly reserves all defenses and motions otherwise available to it.

WHEREFORE, Defendant National Action Financial Services, Inc. requests that further proceedings in the Circuit Court of Franklin County, Associate Judge Division, State of Missouri be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of Missouri, which will then assume full jurisdiction over this cause of action.

Respectfully submitted,

SPENCER FANE BRITT & BROWNE LLP

By: /s/ Patrick T. McLaughlin

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing was mailed this 14<sup>th</sup> day of February, 2012, first class postage prepaid to:

Steven T. White  
Purschke, White, Robinson & Becker LLC  
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Union, MO 63084  
Attorneys for Plaintiff

/s/ Patrick T. McLaughlin